

**REMARKS**

In the Final Office Action mailed 26 November 2007, the examiner maintains all pending §102 and §103 rejections. In particular, the examiner maintains that Miller (US2002/0024529) and Yong (US2004/0012556) anticipate independent claims 1 and 24 under §102(b) and §102(a), respectively. The claimed invention improves the visibility of information on a display of a portable electronic device based on an average measured ambient light. Independent claims 1 and 24 explicitly require “averaging the measured ambient light over a predefined time to determine an average measured ambient light” and “adjusting the display of the portable electronic device based on the average measured ambient light.”

Miller does not adjust a display of an electronic device based on an average measured ambient light. Instead, Miller teaches modifying both the luminance and contrast of an image as it is displayed on a display unit responsive to changing lighting conditions, (see ¶[0013]). Miller explicitly teaches controlling the display based directly on the measured luminance of the light illuminating the display unit and/or the display surround luminance (see ¶s [0013] - [0016]). Because a particular measurement cannot be interpreted as an average measurement, Miller does not teach or suggest the averaging aspect of the claimed invention.

The examiner misconstrues the teachings of Miller by asserting that the averaging aspect of the claimed invention is inherent in Miller because it is inherent that some predetermined amount of time passes between step s9 in Figure 5 and step s19 in Figure 19. Steps s9 and s19 both calculate an image contrast adjustment “based on surround luminance reading.” However, the simple passage of time between steps does not imply that an averaging occurs. Instead, Figures 5 and 6 show that the image contrast adjustment calculation may occur at different times responsive to different conditions, but always based on the current surround luminance reading. Such teachings are wholly different than the claimed averaging operations. Thus, Miller does not anticipate independent claims 1 and 24.

Yong teaches controlling the illumination of a backlight for an LCD based on a measured ambient light intensity value. Nothing in Yong teaches averaging the measured ambient light over time or using the average measured ambient light to control the illumination. Instead, Yong teaches controlling the light source of an LCD to emit light at a time-averaged intensity. See Abstract. Thus, Yong controls an average of a display's intensity based on a particular ambient light measurement, instead of using an average measured ambient light to control the display, as required by independent claims 1 and 24.

Because neither Miller nor Yong teach or suggest averaging the measured ambient light over a predefined time or using the average measured ambient light to control a display, neither Miller nor Yong anticipate each element of independent claims 1 and 24 as required under §102. The applicants request reconsideration and allowance of claims 1 and 24, and all claims depending therefrom.

The applicants further reiterate that at least claims 6, 9, 25, and 29 add patentably distinct limitations to the independent claims, and therefore, are not obvious under §103. Claims 6, 9, and 25 claim some form of adjusting a size of displayed information based on an average measured ambient light. The examiner concedes that Yong does not adjust a size of displayed information, but asserts that Rydbeck (US6233467) solves this deficiency.

While the applicants understand that the test for obviousness is what the combined teachings of the references would have suggested to those of ordinary skill in the art, the applicants note that the obviousness rejection cannot be based on a teaching that contradicts the express teachings of one or more of the references. Rydbeck teaches adjusting a font size (or bolding the font) when poor lighting conditions are expected, such as when the portable electronic device is in a hands-free mode. Rydbeck specifically teaches determining the lighting conditions by determining how the device is being used, e.g., by determining whether or not an external connector is connected to the portable device. See col. 2, ll. 21 – 49. Thus, Rydbeck

explicitly teaches away from using any type of light measurement to determine when to adjust a font size. Because Rydbeck teaches away from the Examiner's proffered combination, the §103 rejection against claims 6, 9, and 25 is improper and must be withdrawn.

Regarding claim 29, the examiner concedes that neither Miller nor Kuwata (EP1158484) teach controlling at least one of a font type, a font color, and a background color based on the average measured ambient light. Instead, the examiner asserts that when combined with Miller and Kuwata, bolding the font as taught by Rydbeck teaches controlling a font type. First, a rejection based on the combination of Miller and Rydbeck is improper, as discussed in the previous paragraph. Further, the claimed font type corresponds to the font typeface, as well understood in the art. Because bolding a font corresponds to changing a style of a current font type, changing a font style (bolding) is not the same as controlling a font type, as required by claim 29. Thus, Miller, Kuwata, and Rydbeck, alone or in combination, fail to teach the limitations of claim 29.

In light of the above remarks, the applicants respectfully request that the examiner reconsider the stated rejections and objections and issue a Notice of Allowance. Should any issues remain unresolved, the applicants request that the examiner call the undersigned so that any such issues may be expeditiously resolved.

Respectfully submitted,

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Dated: 23 January 2008

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